ONDER RECEIVED FOR FRANKE

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By

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IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE

SEC Taylor and Bonair Avenues

ZONING COMMISSIONER

1701 Taylor Avenue

9th Election District \* OF BALTIMORE COUNTY

4th Councilmanic District

Glenn S. Kuntzman, et al \* Case No. 97-342-A

Petitioners

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located at 1701 Taylor Avenue in Parkville. The Petition is filed by Glenn S. Kuntzman and Robert D. Kuntzman, property owners. Variance relief is requested from Section 405.4.A.2.a. of the Baltimore County Zoning Regulations (BCZR) to permit a canopy within 11 ft. of the street right of way in lieu of the required 15 ft. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Glenn S. Kuntzman, co-property owner and co-Petitioner. Also present in support of the Petition was David B. Friend. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is .310 acres in area, zoned B.L.-A.S. The property is located at the southeast corner of the intersection of Taylor Avenue and Bonair Avenue in Parkville. Actually, Bonair Avenue is a Paper Street south of Taylor Avenue. The property is located in a business/commercial area in Parkville. The Moreland Memorial Cemetery is nearby.

1, ...

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ONE 3/25/97

By h. Joann

Mr. Kuntzman indicated that he and his brother own the subject property and operate a business thereon known as Excel Car Care Center, Inc. The Kuntzman brothers have owned the property and operated this business at this location for approximately 2-1/2 years. As the name implies, the business is an automobile repair business. The shop does not do body and fender work, however, does perform maintenance and engine repairs, including tune-ups, transmission work, brakes service, etc.

The business is operated from a one story masonry structure which is located on the site. The structure contains three bays. Although the Kuntzman brothers have only owned and operated their business on the site for 2-1/2 years, the property has been used as an automobile service garage over the years. Apparently, this use, under different owners, has existed on this property for approximately 35 to 40 years.

The business also sells gasoline from two fuel dispensers located on the front of the property. The Petitioners wish to construct a canopy over these fuel dispensers in order to shield patrons from inclement weather. The location of the canopy is dictated by the fuel dispenser location and the subject variance is necessary. It was indicated at the hearing that the canopy will be within 11 ft. of the street right of way line, in lieu of the required 15 ft.

Based upon the testimony and evidence presented, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the BCZR, as construed by the case law. It is to be noted that there were no adverse Zoning Plans Advisory Committee comments to the request and no Protestants or other interested persons appeared at the hearing.

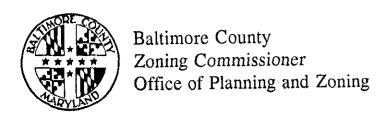
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25 day of March, 1997 that a variance from Section 405.4.A.2.a. of the Baltimore County Zoning Regulations (BCZR) to permit a canopy within 11 ft. of the street right of way in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

March 24, 1997

Messrs. Glenn S. Kuntzman and Robert D. Kuntzman 1701 Taylor Avenue Baltimore, Maryland 21234

RE: Case No. 97-342-A

Petition for Zoning Variance Property: 1701 Taylor Avenue

#### Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn att.

# Por to the

## Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
97-34Z-A	which is presently zoned BL-A5
This Petition shall be filed with the Department of The undersigned, legal owner(s) of the property situate in hereto and made a part hereof, hereby petition for a Varian	Permits & Development Management  Baltimore County and which is described in the description and plat attached ce from Section(s) 405.40.
WAY IN LIEU OF TH	IN 11 OF THE STREET RIGHT-01 REQUIRED 15.
1 The	REQUIRED 15.
or the Zoning Regulations of Baltimore County, to the Zonin practical difficulty)	ng Law of Baltimore County; for the following reasons: (indicate hardship or
To be developed but Hen	a RINO,
Property is to be posted and advertised as pre I, or we, agree to pay expenses of above Variance advertise be bound by the zoning regulations and restrictions of Balti	escribed by Zoning Regulations.  sing, posting, etc., upon filing of this petition, and further agree to and are to more County adopted pursuant to the Zoning Law for Baltimore County.
Contract Purchaser/Lessee;	I/We do splemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.  Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Bignaydro Hom A Juntym
Address	(Type or Print Name)
City State Zipcode Attorney, for Petitioner:	Signature O. Managara
(Type or Print Name)	1701 TAY101 Ave 4106689828 Address Phone No
Signature	Bultimore MD 2/234  City State Zipcode  Name, Address and phone number of representative to be contacted.
Address Phone No.	DAVID B. FRIEND
City State Zipcode	Address COLUMBIO, MP 21044 Phone No. OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING unavailable for Hearing
Printed with Soybean Ink	the following dates Next Two Months  ALL OTHER
Revised 9/5/95	REVIEWED BY: DATE 2-13-4

97-342-A 342

#### ZONING DESCRIPTION

Subject property:

1701 Taylor Ave.

Baltimore, Md. 21234

Beginning at a point on the south side of Taylor Ave. which is 40'-0 wide and at a distance of 20'-0" of the centerline of the nearest improved intersecting street ("Bonair Ave."), which is 40'-0" wide. Thence the following courses and distances.:

Typical metes and bounds; S. 68 41' E. 104.0', S. 21 19' W. 130.0', N. 68 41' W. 104.0', N. 21 19' E. 130.0' to the place of beginning as recorded in Plat Book L.McL.M. No. 9, Folio 70.

Being Lot #26, 25, 24, & 23, in the Hillendale Park Subdivision as recorded in Baltimore Plat Book L.Mc.L.M. No. 9, Folio 70. containing 13,520 S.F. or .310 Acres. Also known as 1701 Taylor Ave., 9th. District.



Variance: To permit a can ope within 11 feet of the street infectively in lieu of the re-queed 15 feet. Mearth 24, Hearing lieurith, Mearth 24, 1997, at 1486 a.m. in Rin. 118, Old Confloace.

LAWRENCE E. SCHMIDT
Zoning Conninssioner for
Relinoure County
NUTES: (1) Hearings are
Hardicapped Accessible; for
special meccontrandedions
Please Call 887-3391.
(2) For information concerning the The addion Hearing,
Please Call 887-3391.

2/37/8 Feb. 27

# CERTIFICATE OF PUBLICATION

Sb 27, 1999 TOWSON, MD.,

published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was in Towson, Baltimore County, Md., once in each of \_\_\_ successive weeks, the first publication appearing on 12011, 1997

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION SCELLANEOUS CASH RECEIPT	DATE 2-13-97 ACCOUNT POLI-6/3D	RECEIVED KUNTERAR 250,00	UNR. (020)	L MON VALIDATION OR SIGNATURE OF CASHIER  (A.A.)
Ballettelater anne me facilities been been	the hours our	2 = T	-	جوامي <i>ا</i>

	RE: Case No.: 97-342-A
	Petitioner/Developer:
	DAVID FRIEND
	Date of Hearing/Glosing: 3/24/97
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	•
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property l	perjury that the necessary sign(s) required by law ocated at
The sign(s) were posted on	3-7-97
	(Month, Day, Year)
•	Sincerely.
PACE 1975 AND TOTAL THE PACE OF THE PACE O	(Signature of Sign Poster and Date)  Thomas P. Ocle Sc.  (Printed Name)  325 Nicholson Rono  (Address)  Baltimory maryland 2/22/  (City, State, Zip Code)  (410) 687-8405
	(Telephone Number)

97-342-4

Date to be Posted: Anytin	ne before but no later than	and the second s
Format for Sign Printing,	Black Letters on White Background:	
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	THE ZONING COMMISSIONER IN TOWSON, MD	Services
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DO NOT REMOVE T	HIS SIGN AND POST UNTIL DAY OF HEARING	
*-	HANDICAPPED ACCESSIBI	Æ
	1.	•

Partie -

9/96 post.4.doc



# Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

(Revised 09/24/96)

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Al	RNOLD	JABLON,	DIRECTOR
For newspaper advertising:			
Item No.: 342			
Petitioner: Clenn Kuntzman	/	·	
Location: 1701 & Toylor Are.			
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: DOUD FRIEND			
ADDRESS: 5608 April Jour	NEY		
Columbia Md. 21044	£		
PHONE NUMBER: 997-405 P			
••			
AJ:aas			

TO: PUTUXENT PUBLISHING COMPANY
February 27, 1997 Issue - Jeffersonian

Please foward billing to:

David Friend 5608 April Journey Columbia, Maryland 21044 997-4058

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-342-A
1701 Taylor Avenue
SEC Taylor and Bonair Avenues
9th Election District - 4th Councilmanic
Legal Owner(s): Glenn S. Kuntzman and Robert D. Kuntzman

Variance to permit a canopy within 11 feet of the street right-of-way in lieu of the required 15 feet.

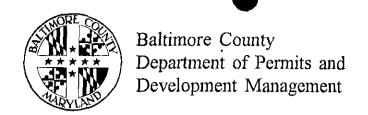
HEARING: MONDAY, MARCH 24, 1997 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

5.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 21, 1997

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-342-A 1701 Taylor Avenue SEC Taylor and Bonair Avenues 9th Election District - 4th Councilmanic

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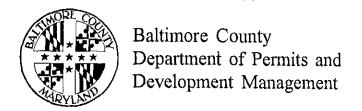
Arnold Jablon Director

cc: Glenn and Robert Kuntzman David B. Friend

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 9, 1997.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

March 21, 1997

Messrs. Glen and Robert Kuntzman 1701 Taylor Avenue Baltimore, MD 21234

RE: Item No.: 342

Case No.: 97-342-A

Petitioner: Glenn Kuntzman, et al

Dear Messrs. Kuntzman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 13, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

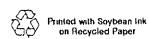
Sincerely.

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)







David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 2.71.97

Item No. 342 (JCM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

An Ronald Burns, Chief

Engineering Access Permits

f. f. Gredle

Division

LG

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: FG24,97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: March 3, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

THE RESERVE OF THE SECOND STATES OF THE SECOND SECO

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for March 3, 1997

Item No. 342

The Development Plans Review Division has reviewed the subject zoning item. Taylor Avenue is an existing road which shall ultimately be improved as a 50-foot street cross section on a 70-foot right-of-way.

Entrances and setbacks should be maintained per the Department of Public Works' Standard Plate R-28 Service Station Entrance Channelization.

RWB:HJO:jrb

cc: File

#### Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 03/04/97

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 24, 1997

Item No.: SEE BELOW Zoning Agenda:

#### Gentlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

Item Number: 337 Owner: Helen E. Schaeffer

Item Number: 338 Owner: Stanley J. Hanna & Charlotte C. Hanna

Item Number: 339 Owner: Edward F. Stanfield, Partner & Richard R. Stanfield, Partner

Item Number: 340 Owner: William Nickerson & Geraldine Nickerson

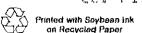
Item Number: 341 Owner: Jon A. Eshelman & Sandy Sperl-Eshelman

Item Number (342) Owner: Glenn S. Kuntzman & Robert D. Kuntzman

Item Number: 343 Owner: Mark P. Roush & Wanda F. Roush

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, M5-1102F



ccs File

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

DATE: March 12, 1997

:OT

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Eary W. Long Cary L. Kerns

Item Nos. 342, 368, 369, 370, 372, 373, and 376

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Division Chief:

PK/JL

### PETITION PROBLEMS

#### #336 --- CAM

- 1. No review information on bottom of variance petition.
- 2. Sign form incomplete.

#### #337 --- JCM

- 1. Need authorization for person signing for legal owner.
- 2. Need printed name of person signing for contract purchaser.
- 3. Sign form incomplete.

#### #338 --- RT

1. No section number or request wording on petition form.

#### #339 --- MJK

1. Sign form incomplete.

#### #340 --- MJK

- 1. No telephone number for legal owner.
- 2. Notary section is incomplete.

#### #341 --- JRF

 Notary section is incomplete - doesn't have notary seal, among other things.

#### #342 --- JCM

1. Sign form incomplete.

#### #343 --- JRF

1. Sign form incomplete.

1/200

RE: PETITION FOR VARIANCE	*	BEFORE THE
1701 Taylor Avenue, SEC Taylor and		
Bonair Avenues, 9th Election Distri-	ct, *	ZONING COMMISSIONER
4th Councilmanic		
	*	OF BALTIMORE COUNTY
Legal Owner(s): Glenn S. Kuntzman a	nd	
Robert D. Kuntzman	*	CASE NO. 97-342-A
Petitioners		
* * * * * *	* *	* * * *

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

FILE W/

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to David B. Friend, 5608

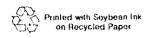
April Journey, Columbia, MD 21044, representative for Petitioner.

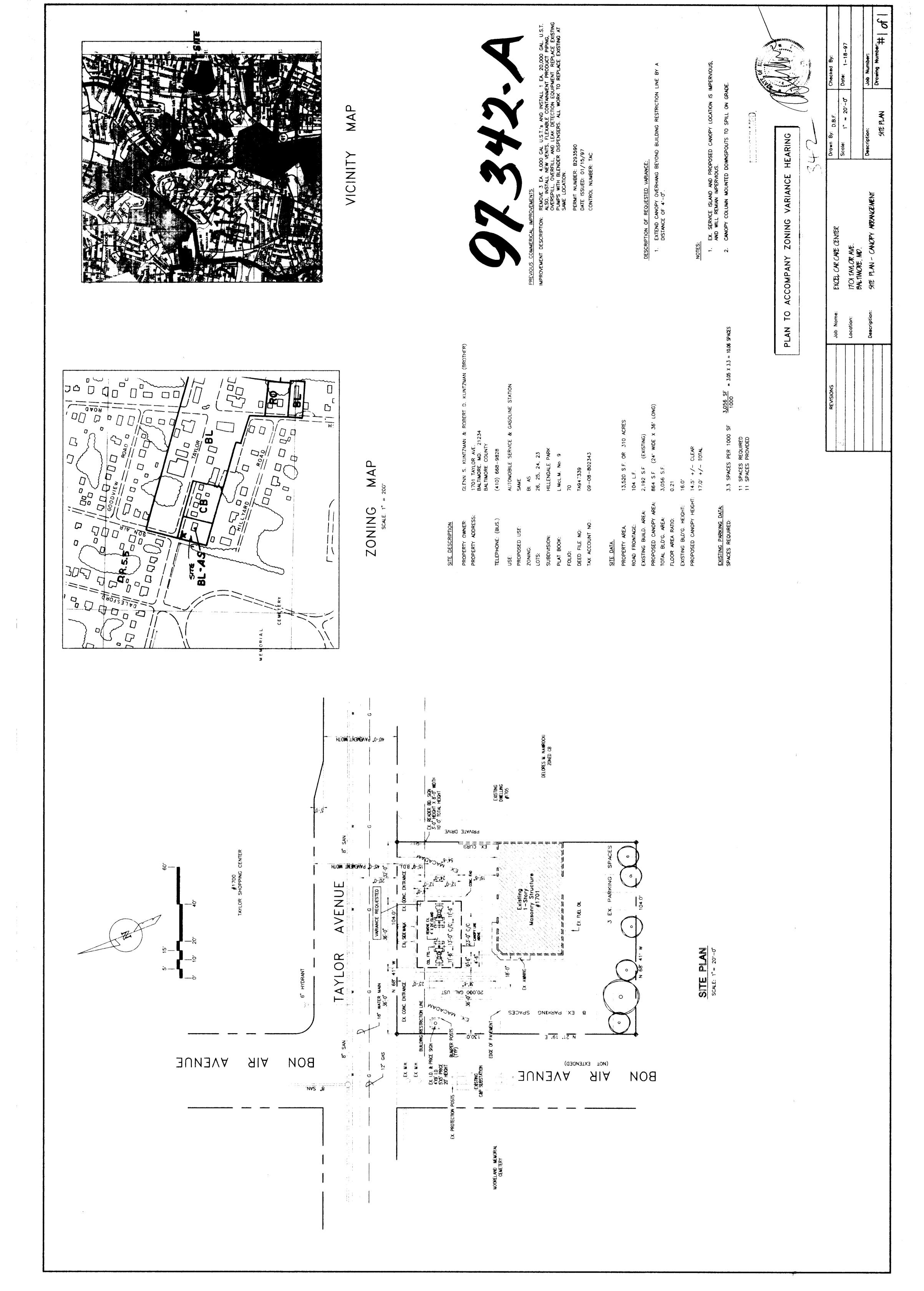
Poter Mar Zimmerman

- - - 1

#### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Glenn S. Kuntzman	1701 TAYlor Ave Balto. 2123
DAVID B. FRIBNID	5608 April Journey Calum
CONTRACTOR OF THE SECRET OF TH	
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